

Department of State
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For Department of State Use Only

Sequence Number: 02-10-13
Rule ID(s): 5377
File Date: 2/6/13
Effective Date: 7/29/13

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Dannelle F. Walker
Address:	9 th Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN
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Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-01-05	Pupil Transportation
Rule Number	Rule Title
0520-01-05-.03	Commercial Advertising on School Buses

Chapter Number	Chapter Title
Rule Number	Rule Title

Chapter 0520-01-05
Pupil Transportation

Rule 0520-01-05-.03(1)(d) "Commercial Advertising on School Buses" is amended by deleting subsection (d) in its entirety and re-numbering the subsections thereafter accordingly.

Authority: T.C.A. §§ 49-1-302 and 49-6-2102.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Justice				X	
Pearre	X				
Roberts	X				
Rogers			X		
Rolston	X				
Sloyan	X				
Wright	X				
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 7/27/12, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: October 1, 2012

Signature: _____

Name of Officer: Dr. Gary L. Nixon

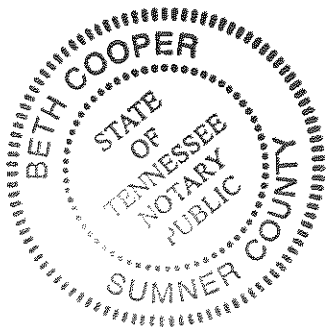
Title of Officer: Executive Director

Subscribed and sworn to before me

on: October 1, 2012

Notary Public Signature: Beth Cooper

My commission expires on: January 26, 2016



All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

1-28-13

Date

Department of State Use Only

Filed with the Department of State on: 2/6/13

Effective on: 7/29/13



Tre Hargett
Secretary of State

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Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not Applicable.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This will have no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Public Chapter 665 amended TCA 49-6-2109(e) by deleting the language “, be composed of lettering on a background color” in the third sentence. This amendment allows for pictures and logos to be used in the advertising. This rule amendment conforms to the recent legislative change.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 665

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

State Department of Education, Local Education Agencies (LEAs) overseen by the Department of Education

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

None.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Ms. Dannelle F. Walker
TN State Board of Education

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Ms. Dannelle F. Walker
State Department of Education
9th Floor, 710 James Robertson Pkwy
Nashville, Tennessee 37243
615-253-5707
Dannelle.Walker@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

Rules
Of
The State Board of Education

Chapter 0520-01-05
Pupil Transportation

0520-01-05-.03 Commercial Advertising on School Buses.

(1) Commercial advertising may be displayed on school buses as follows:

- (a) The local board of education shall adopt a policy to regulate commercial advertising on school buses. Such policy shall address the following minimum standards:
 - 1. Cost of the commercial advertising.
 - 2. Designation of the individual(s) with the authority to sell and approve commercial advertising.
 - 3. Definition of appropriate commercial advertising.
 - 4. Specification of how the advertising will be attached, if not painted on the school bus.
 - 5. Issues relating to contracts with independent contractors.
 - (i) All contracts for commercial advertising must comply with board policy.
 - (ii) Contracts with independent bus owners must indicate how the revenue from the commercial advertising will be allocated.
- (b) Commercial advertising shall be permitted only on the rear quarter panels of the school bus; no more than two (2) advertisements per rear quarter panel shall be permitted.
- (c) The size of commercial advertising per quarter panel shall not exceed sixteen (16") inches in height and sixty (60") inches in length, including any border or framing.
- (d) The commercial advertising shall consist of lettering on a background color.
- (e)(d) No commercial advertising of tobacco or alcohol products shall be permitted. Political campaign advertising shall be expressly prohibited.
- (f)(e) Commercial advertising shall not cover any structural or sheet metal damage or alteration.
- (g)(f) No commercial advertising of food items that pursuant to T.C.A. § 49-6-2307 cannot be sold or offered for sale to pupils

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